

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LEONARDO ROBINSON,

Plaintiff,

:

Case No. 3:10-cv-311

-vs-

District Judge Timothy S. Black
Magistrate Judge Michael R. Merz

:

UNITED STATES DEPARTMENT
OF THE TREASURY,

Defendant.

REPORT AND RECOMMENDATIONS

This case was filed August 2, 2010. On August 3, 2010, the Magistrate Judge ordered the issuance of process (Doc. No. 3). On October 12, 2010, Plaintiff was reminded of his obligation to obtain service of process within 120 days of filing (i.e. November 30, 2010) and was notified that unless service of process was completed by November 30, 2010, the Magistrate Judge will recommend this case be dismissed for want of prosecution. It appears from the docket that process was issued on November 15, 2010, but the docket does not reflect any service as of the date of this Report.

Accordingly, pursuant to Fed. R. Civ. P. 4(m) and the prior notice to Plaintiff, it is hereby respectfully recommended this case be dismissed without prejudice for want of prosecution.

December 1, 2010.

s/ **Michael R. Merz**
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B), (C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir., 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).